

REMARKS

Applicant thanks the Examiner for total consideration given the present application. Claims 1-7 were pending prior to the Office Action. Claims 8-14 have been added through this Reply. Thus, claims 1-14 are currently pending of which claims 1 and 8 are independent. Claim 1 has been amended through this Reply. Applicant respectfully requests reconsideration of the rejected claims in light of the amendment and remarks presented herein, and earnestly seek timely allowance of all pending claims.

OBJECTION TO THE SPECIFICATION

The Specification is objected to for minor informalities. Particularly, the Examiner alleges that the Title of the Invention is not descriptive. *See Office Action, page 2, item 3.* The Title has been amended to address this objection. Applicants respectfully request that the objection to the Specification be withdrawn.

35 U.S.C. § 102 REJECTION – Matsunaga

Claims 1-3 and 5-7 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Matsunaga (U.S. 2004/0066746 A1)[hereinafter "Matsunaga"]. Applicant respectfully traverses this rejection.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02.* Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Matsunaga fails to teach or suggest each and every claimed element. For example, independent claim 1 recites, *inter alia*, "wherein each received IP packets is assigned a priority based on an amount of data stored in a statistical information storage field which stores statistical information of a target session and the transfer rate of each received IP packets and for disabling a transfer of received IP packets that are determined to be burstly transmitted to said router apparatus according to said priority." *Emphasis added.*

Matsunaga merely discloses a packet transfer rate monitoring control apparatus and method in packet communication network in which the minimum guaranteed rate and maximum limiting rate of packet transfer rate are contracted for each service which a subscriber uses. Although Matsunaga teaches queuing of packets for each flow and packet discarding and shaping in accordance with a transport layer protocol, nowhere does Matsunaga teach or suggest the above-identified claim feature of independent claim 1.

In contrast, the claimed invention is directed to a router apparatus in which the received IP packets are assigned a priority based on an amount of data stored in a statistical information storage field which stores statistical information of a target session and disables a transfer of received IP packets that are determined to be burstly transmitted to the router apparatus according to the priority. Disabling the transfer of burstly transmitted IP packets is particularly important to protect the real-time communication sessions which are registered and managed on the router apparatus.

Applicant respectfully submits that Matsunaga fails to suggest that the IP packets are assigned a priority based on an amount of data stored in a statistical information storage field which stores statistical information of a target session and that the disabling of burstly transmitted IP packets are based on the assigned priority as recited in claim 1.

Therefore, for at least these reasons, independent claim 1 is distinguishable from Matsunaga. Claims 2-3 and 5-7 depend from claim 1. Therefore, for at least the reasons stated with respect to claim 1, claims 2-3 and 5-7 are also distinguishable from Matsunaga.

Accordingly, Applicant respectfully requests that the rejection of claims 1-3 and 5-7, based on Matsunaga, be withdrawn.

35 U.S.C. § 103 REJECTION – Matsunaga, Lo

Claim 4 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Matsunaga in view of Lo et al. (U.S. 2003/0095567 A1)[hereinafter "Lo"]. Applicant respectfully traverses. Claim 4 depends from claim 1. As demonstrated above, Matsunaga fails to teach or suggest "wherein each received IP packets is assigned a priority based on an amount of data stored in a statistical information storage field which stores statistical information of a

target session and the transfer rate of each received IP packets and for disabling a transfer of received IP packets that are determined to be burstly transmitted to said router apparatus according to said priority” as recited in claim 1. Lo has not been, and indeed cannot be, relied upon to fulfill at least this deficiency of Matsunaga. Therefore, it is respectfully requested to withdraw the rejection of claim 4 based on Matsunaga and Lo.

New Claims

Claims 8-14 have been added through this reply. All new claims are believed to be distinguishable over the cited references, individually or in any combination. For example, independent claim 8 recites, *inter alia*, “assigning each received IP packets a priority based on an amount of data stored in a statistical information storage field which stores statistical information of a target session and the transfer rate of each received IP packets; and disabling a transfer of received IP packets that are determined to be burstly transmitted to said router apparatus according to said priority.” It has been shown above that the cited references, individually or in combination, may not be relied upon to show at least these features. Therefore, claim 8 is distinguishable over the cited references.

Claims 9-14 depend from independent claim 8. Therefore, these dependent claims are also distinguishable over the cited references for at least the reasons stated with respect to claim 8.

Applicant respectfully requests that the claims 8-14 be allowed.

Conclusion

In view of the above remarks, it is believed that claims 1-14 are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Ali M. Imam Reg. No. 58,755 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/703,629
Amendment dated December 7, 2007
Reply to Office Action of September 7, 2007

Docket No.: 1163-0484P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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